Whistle blowing policy

Daniel's Den

Introduction

Under certain circumstances, employees have legal protection if they make disclosures about organisations for whom they work.

The Public Interest Disclosure Act 1998 prevents you from suffering a detriment or having your contract terminated for 'whistle blowing' and we take very seriously any concerns which you may raise under this legislation.

We therefore encourage employees to be alert to wrongdoing and to inform management of any concerns. Employees should raise an issue when they are just concerned, rather than wait for proof or investigate the matter themselves.

This policy gives some information about whistle blowing to assist employees in deciding whether any proposed action would be protected under the whistle blowing legislation and sets out the procedure to follow if employees reasonably believe that they have identified such malpractice.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by Daniel's Den nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistle-blowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside the organisation.

Background information

The legislation applies to workers who follow the procedures laid down in the legislation (see below) in disclosing specific categories of malpractice relating to one or more of the following actions:

- Financial malpractice or impropriety or fraud
- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual's health and safety
- Damage to the environment
- Deliberate concealment of information relating to any of the above.

Are you protected under the whistle blowing legislation?

In order to benefit from the protection of the legislation, the whistleblower must satisfy certain conditions.

- Disclosure to the employer will be protected, provided that it is made in good faith and the whistleblower has a reasonable suspicion that the alleged malpractice has occurred, is occurring, or is likely to occur.
- Disclosure to a regulator (eg Health and Safety Executive, Environment Agency, Charity Commission) will be protected where, in addition, the whistleblower honestly and reasonably believes that the information and any allegation in it are substantially true.
- Disclosure to other bodies is protected if, in addition to the tests for regulatory disclosures, it is reasonable in all the circumstances and is not made for personal gain.

Procedures for making a disclosure

Employees should inform their line manager immediately if they become aware that any of the specified actions is happening (or has happened, or is likely to happen).

If the allegation is about the actions of their line manager, the employee should raise the issue with the Chief Executive or, if she is their line manager, a Trustee.

Complaints against the Chair should be passed to the Chief Executive who will nominate an appropriate investigating officer.

The complainant has the right to bypass the line management structure and take their complaint direct to the Chair. The Chair has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

If there is evidence of criminal activity, then the investigating officer should inform the police. Daniel's Den will ensure that any internal investigation does not hinder a formal police investigation.

Whistleblowers can ask for their concerns to be treated in confidence and this will be respected so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Employees will not be penalised for informing management about any of the specified actions and will be protected from reprisals.

We encourage you to use the procedure if you are concerned about any wrongdoing at work. If you make an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against you. In making a disclosure you should exercise due care to ensure the accuracy of the information. However, if the procedure has not been invoked in good faith (e.g. for malicious reasons or in pursuit of a personal grudge), then it will make you liable to disciplinary action up to and including dismissal as may be appropriate in the circumstances.

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the organisation. In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern

- The likelihood of confirming the allegation from attributable sources

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

Investigating procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of the Police at this stage and should consult with the Chair.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chair as appropriate.
- The Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Organisation procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Trustee Board to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chair.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome, the Organisation recognises the lawful rights of employees and ex-employees to make disclosures to an appropriate organisation or body (such as the Health and Safety Executive, the Police, or regulators), or, where justified, elsewhere.

If you do not report your concerns to Daniel's Den management or Chair you may take them direct to the appropriate organisation or body.

***** *The Designated Person would normally be the most senior paid staff member or nominated Trustee*

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